

STOCK AND LEADER
Susquehanna Commerce Center East
6th Floor
221 W. Philadelphia Street
York, Pennsylvania 17404

Phone: (717) 846-9800
Fax: (717) 843-6134

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**DEFENDANT SCOTT DOWNEY'S MOTION FOR
ATTORNEYS' FEES AND ASSOCIATED EXPENSES**

AND NOW, comes the Defendant, Scott Downey, by and through his attorneys, MELINDA B. KAUFMANN, Esquire, and STEPHEN S. RUSSELL, Esquire, and the law firm of STOCK AND LEADER, respectfully requesting an award of attorneys' fees and costs pursuant to 42 U.S.C. § 1988(b). In support thereof, Defendant avers as follows:

1. Plaintiff filed a Complaint on or about January 16, 2001, alleging both federal and state law claims.
2. On or about March 15, 2001, Defendant Scott Downey filed a Partial Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) and an Answer.
3. By Order dated April 10, 2002, Defendant Scott Downey's Partial Motion to Dismiss was granted pursuant to Federal Rule of Civil Procedures 12(b)(6) by the Honorable James F. McClure, Jr. Judge McClure further dismissed *sua sponte* the remaining claims against Defendant Downey.
4. Appellant filed a Notice of Appeal on April 16, 2002.
5. On or about April 24, 2002, Defendant Downey filed a Motion to Enlarge Time to File for Attorneys' Fees and Costs, which was granted on May 30, 2002.
6. On or about August 8, 2002, Appellant filed her Brief in support of her appeal.
7. Appellee Downey filed his Brief in opposition to the appeal on September 5, 2002.
8. By Order dated December 23, 2002, the Order of the District Court entered on April 10, 2002 was affirmed.

9. Defendant is a prevailing party in this litigation in that Plaintiff's action was frivolous, unreasonable, or without foundation. *See, Hughes v. Rowe*, 449 U.S. 5, 14, 101 S.Ct. 173, 178 (1980). *See also, Lato v. Sieverman*, 919 F. Supp. 336 (C.D. Cal. 1996) (prevailing defendant should be awarded attorneys' fees where the action is found to be meritless).

10. As the prevailing party, Defendant has incurred attorneys' fees and other costs.

11. Attached to this Motion as Exhibit 1 is an itemization of time and services provided by Defendant's counsel on this case, and costs incurred. The itemization represents reasonable time spent on the items so indicated. All of these times and services were reasonable, proper and necessary to Defendant prevailing in this case. Verification of these time records is attached hereto as Exhibit 2, collectively.

12. In this case, Stephen S. Russell, Esquire, charges an hourly rate of \$130.00 per hour.

13. In this case, Melinda B. Kaufmann, Esquire, charges an hourly rate of \$115.00 per hour.

14. Based on counsels' experience, litigation careers, and knowledge of civil rights law and litigation, base hourly rates of \$130.00 and \$115.00 per hour, respectively, are reasonable.

15. In support thereof, Defendant will submit affidavits of attorneys in the greater Harrisburg area with knowledge and proficiency in the fields of civil litigation and civil rights litigation, and with knowledge of the abilities of Defendant's counsel.

16. Defendant expects to incur additional expenses and counsel fees in the litigation of this Motion and in the collection of the costs and fees awarded.

Defendant expressly reserves the right to supplement the within petition at a later date in order to accommodate any such additional expenses, costs and fees.

WHEREFORE, Defendant respectfully request an award of attorneys' fees and costs against Plaintiff.

Respectfully submitted,

STOCK AND LEADER

BY: Stephen S. Russell

Stephen S. Russell, Esquire

I.D. No. 17102

Melinda B. Kaufmann, Esquire

I.D. No. 82088

Susquehanna Commerce Center East
221 W. Philadelphia Street, 6th Floor
York, PA 17404

(717) 846-9800

Dated: January 20, 2003



STOCK AND LEADER

REPORT DATE 01/13/03

LEDGER HISTORY

PAGE 1

REPORT NUMBER JP074-024418

SORTED BY CLIENT/MATTER

PRINTED BY LO

RANGE SELECTED: 143490-00001 TO 143490-99999

| TYPE | BILL | DATE | PREPAID AMOUNT | FEES AMOUNT | SALES TAX AMOUNT | EXPENSE AMOUNT | INTEREST AMOUNT | A/R BALANCE | COMMENTS |
|--|------|----------|-------------------|----------------|------------------------|-------------------|--------------------|----------------|--------------------------|
| 143490 00001 CAPITAL AREA INTERMEDIATE BEAM v. | | | | | | | | | |
| BILL | 002 | 03/09/01 | | 2,323.00 | .00 | .25 | .00 | 2,323.25 | |
| CASH | 002 | 04/05/01 | | 2,323.00- | .00 | .25- | .00 | .00 | |
| BILL | 003 | 04/06/01 | | 2,146.00 | .00 | 85.45 | .00 | 2,231.45 | |
| CASH | 003 | 05/01/01 | | 2,146.00- | .00 | 85.45- | .00 | .00 | |
| BILL | 007 | 07/09/01 | | 2,188.50 | .00 | 122.46 | .00 | 2,310.96 | |
| CASH | 007 | 08/02/01 | | 2,188.50- | .00 | 122.46- | .00 | .00 | |
| BILL | 010 | 10/03/01 | | 3,930.50 | .00 | 434.60 | .00 | 4,365.10 | |
| CASH | 010 | 11/02/01 | | 3,930.50- | .00 | 434.60- | .00 | .00 | |
| BILL | 018 | 02/05/02 | | 3,888.50 | .00 | 691.99 | .00 | 4,580.49 | |
| CASH | 018 | 02/18/02 | | 3,888.50- | .00 | 691.99- | .00 | .00 | |
| BILL | 020 | 04/04/02 | | 2,591.00 | .00 | 1,249.37 | .00 | 3,840.37 | |
| CASH | 020 | 04/12/02 | | 2,591.00- | .00 | 1,249.37- | .00 | .00 | |
| BILL | 023 | 07/05/02 | | 274.50 | .00 | 13.60 | .00 | 288.10 | |
| CASH | 023 | 08/02/02 | | 274.50- | .00 | 13.60- | .00 | .00 | |
| CASH | 023 | 08/26/02 | | 274.50 | .00 | 13.60 | .00 | 288.10 | reverse - paid in error |
| PREPAID | | 08/26/02 | 288.10- | | | | | 288.10 | ppd to refund to Capital |
| CASH | 023 | 08/26/02 | | 274.50- | .00 | 13.60- | .00 | .00 | |
| BILL | 026 | 10/14/02 | | 2,121.00 | .00 | 399.43 | .00 | 2,520.43 | |
| CASH | 026 | 10/14/02 | | .00 | .00 | 288.10- | .00 | 2,232.33 | |
| PREPAID | | 10/14/02 | 288.10 | | | | | 2,232.33 | |
| BILL | 029 | 01/06/03 | | 777.00 | .00 | 9.70 | .00 | 3,019.03 | |
| MATTER TOTALS | | | .00 | 2,898.00 | .00 | 121.03 | .00 | | |
| REPORT TOTALS | | | .00 | 2,898.00 | .00 | 121.03 | .00 | | |

STOCK AND LEADER
 A Professional Corporation
 35 SOUTH DUKE STREET PO BOX 5167
 YORK PA 17405-5167
 Direct Dial - Billing 717-849-4117

March 9, 2001

Billed through 02/28/01

Invoice Number 143490-00001-002 SSR

CAPITAL AREA INTERMEDIATE UNIT

66 MILLER STREET, PO BOX 489
 SUMMERTDALE, PA 17093-0489

BEAM v.

FOR PROFESSIONAL SERVICES RENDERED

| | | | | |
|--------------|--|----------|---------|--------|
| 02/07/01 SSR | Research, re: constitutional rights vis-a-vis contracts; Review Complaint | .70 hrs | 130 /hr | 221.00 |
| 02/07/01 SSR | Telephone Conference with Executive Director; Messages to Assistant Executive Director and Solicitor | .20 hrs | 130 /hr | 26.00 |
| 02/07/01 MK | Review Complaint; Research Individual versus Official Capacity if not Stated in Complaint; Research Validity of Claim Based on Issue of Substantive Due Process | 1.00 hrs | 105 /hr | 105.00 |
| 02/08/01 SSR | Telephone Conference with Assistant Executive Director | .30 hrs | 130 /hr | 39.00 |
| 02/09/01 SSR | Conference w/Assistant Executive Director, re: Complaint | 2.80 hrs | 130 /hr | 364.00 |
| 02/12/01 SSR | Telephone Conference with Counsel for I.U. and counsel for one defendant | .40 hrs | 130 /hr | 52.00 |
| 02/15/01 SSR | Telephone Conference with client | .20 hrs | 130 /hr | 26.00 |
| 02/21/01 MK | Review File; Research Courses of Action | 1.30 hrs | 105 /hr | 136.50 |

CAPITAL AREA INTERMEDIATE UNIT
Invoice Number 143490-00001-002 SSR

PAGE 2

| | | | | |
|--------------|--|----------|---------|-------------|
| 02/22/01 SSR | Travel | 1.50 hrs | 130 /hr | 195.00 |
| 02/22/01 SSR | Conference with Client | 3.50 hrs | 130 /hr | 455.00 |
| 02/22/01 MK | Travel | 1.00 hrs | 105 /hr | 105.00 |
| 02/22/01 MK | Meet with S. Downey re: Complaint Allegations | 3.50 hrs | 105 /hr | .00 |
| 02/23/01 MK | Research and Begin Draft of Motion to Strike Impertinent Materials; Research and Begin Draft of 12(b) (6) Motion for Anti-Trust Claims | 4.00 hrs | 105 /hr | 420.00 |
| 02/24/01 MK | Research Equal Protection and Privileges and Immunities Clause Claims | 1.70 hrs | 105 /hr | 178.50 |
| | | | | \$ 2,323.00 |

DISBURSEMENTS

| | | |
|----------|----------------|--------|
| 02/09/01 | Telefax Charge | .25 |
| | | \$.25 |

MONTH END SUMMARY

| | | | |
|---------------------------------|-----------|---------|----------|
| Melinda Kaufmann | 12.50 hrs | 76 /hr | 945.00 |
| Stephen S. Russell | 10.60 hrs | 130 /hr | 1,378.00 |
| CURRENT SERVICES | 23.10 hrs | \$ | 2,323.00 |
| CURRENT DISBURSEMENTS AND COSTS | | \$ | .25 |
| TOTAL CHARGES FOR THIS PERIOD | | \$ | 2,323.25 |

STOCK AND LEADER
 A Professional Corporation
 35 SOUTH DUKE STREET PO BOX 5167
 YORK PA 17405-5167
 Direct Dial - Billing 717-849-4117

April 6, 2001

Billed through 03/31/01

Invoice Number 143490-00001-003 SSR

CAPITAL AREA INTERMEDIATE UNIT

55 MILLER STREET, PO BOX 489
 SUMMERDALE, PA 17093-0489

BEAM v.

| | | |
|---|----|----------|
| Bal fwd from previous bill number 002 dated 03/09/01 | \$ | 2,323.25 |
| Payments received since last bill (last payment 04/05/01) | \$ | 2,323.25 |
| <hr/> | | |
| Net Balance as of month end date | \$ | .00 |

FOR PROFESSIONAL SERVICES RENDERED

| | | | | |
|--------------|---|----------|---------|--------|
| 03/05/01 MK | Draft Answer to Complaint; Draft Partial Motion to Dismiss; Draft Motion to Strike | 5.00 hrs | 105 /hr | 525.00 |
| 03/05/01 SSR | Conference w/MEK, re: procedure for defense | .40 hrs | 130 /hr | 52.00 |
| 03/06/01 MK | Revise Motion to Dismiss and Brief | 2.00 hrs | 105 /hr | 210.00 |
| 03/06/01 SSR | Telephone Conference with another defense attorney | .20 hrs | 130 /hr | 26.00 |
| 03/07/01 MK | Revise Brief and Answer | 2.00 hrs | 105 /hr | 210.00 |
| 03/08/01 MK | Revise Brief; Draft Motion to Dismiss | 1.10 hrs | 105 /hr | 115.50 |
| 03/08/01 MK | Telephone Conference with S. Downey re: Answer and Documents Needed | .30 hrs | 105 /hr | 31.50 |
| 03/08/01 SSR | Preparation of Answer, Motions and Brief | 1.70 hrs | 130 /hr | 221.00 |
| 03/09/01 SSR | Preparation of Answer and Brief in Support of Motions | .80 hrs | 130 /hr | 104.00 |

| CAPITAL AREA INTERMEDIATE UNIT Invoice Number 143490-00001-003 SSR | | | | PAGE 2 |
|---|-----|--|------------------|-------------|
| 03/09/01 | MK | Revise Answer and Brief | .40 hrs 105 /hr | 42.00 |
| 03/12/01 | MK | Review documents received from client | 2.20 hrs 105 /hr | 231.00 |
| 03/13/01 | SSR | Preparation of Motion and Brief | .60 hrs 130 /hr | 78.00 |
| 03/13/01 | MK | Revise Motion and brief | .30 hrs 105 /hr | 31.50 |
| 03/14/01 | SSR | Telephone Conference with client, re: Answer | .20 hrs 130 /hr | 26.00 |
| 03/14/01 | MK | Revise Answer based on information from client; Review notes drafted by other defendants | .30 hrs 105 /hr | 31.50 |
| 03/15/01 | SSR | Telephone Conference with client | .10 hrs 130 /hr | 13.00 |
| 03/15/01 | MK | Draft letter to other Atty re: Motion filed | .20 hrs 105 /hr | 21.00 |
| 03/18/01 | MCG | Organize Files! Prepare Binders | .80 hrs 55 /hr | 44.00 |
| 03/19/01 | SSR | Review Answer filed by other defense counsel | .30 hrs 130 /hr | 39.00 |
| 03/19/01 | MK | Review Court Order re: Joint Case Management Plan; Draft Letter of Non-Concurrence | .20 hrs 105 /hr | 21.00 |
| 03/27/01 | SSR | Telephone Conference with Client Executive Director re: status of case | .10 hrs 130 /hr | 13.00 |
| 03/28/01 | SSR | Review 12(b) (6) Brief of additional defendant | .30 hrs 130 /hr | 39.00 |
| 03/28/01 | MK | Review Brief filed by Swager/Graybill | .20 hrs 105 /hr | 21.00 |
| | | | | \$ 2,146.00 |

DISBURSEMENTS

| | | |
|----------|----------------|------|
| 03/09/01 | Telefax Charge | 4.75 |
| 03/09/01 | Telefax Charge | 4.75 |

CAPITAL AREA INTERMEDIATE UNIT
 Invoice Number 143490-00001-003 SSR

PAGE 3

| | | |
|----------|---------------------------|----------|
| 03/13/01 | Telefax Charge | 3.50 |
| 03/15/01 | Telefax Charge | 2.50 |
| 03/15/01 | Telefax Charge | 1.25 |
| 03/31/01 | Photocopy expense summary | 68.70 |
| | | ----- |
| | | \$ 85.45 |

MONTH END SUMMARY

| | | | |
|---------------------------------------|-----------|---------|----------|
| Mary C. Galiardi | .80 hrs | 55 /hr | 44.00 |
| Melinda Kaufmann | 14.20 hrs | 105 /hr | 1,491.00 |
| Stephen S. Russell | 4.70 hrs | 130 /hr | 611.00 |
| CURRENT SERVICES | 19.70 hrs | \$ | 2,146.00 |
| CURRENT DISBURSEMENTS AND COSTS | | \$ | 85.45 |
| TOTAL CHARGES FOR THIS PERIOD | | \$ | 2,231.45 |
| TOTAL NOW DUE, PLEASE PAY THIS AMOUNT | | \$ | 2,231.45 |

STOCK AND LEADER
 A Professional Corporation
 35 SOUTH DUKE STREET PO BOX 5167
 YORK PA 17405-5167
 Direct Dial - Billing 717-849-4117

July 9, 2001

Billed through 06/30/01

Invoice Number 143490-00001-007 SSR

CAPITAL AREA INTERMEDIATE UNIT
 ATTN GLENN W ZEHNER EXEC DIR
 55 MILLER STREET, PO BOX 489
 SUMMERDALE, PA 17093-0489

BEAM v.

| | | |
|---|----|----------|
| Bal fwd from previous bill number 003 dated 04/06/01 | \$ | 2,231.45 |
| Payments received since last bill (last payment 05/01/01) | \$ | 2,231.45 |
| ----- | | |
| Net Balance as of month end date | \$ | .00 |

FOR PROFESSIONAL SERVICES RENDERED

| | | | | |
|--------------|--|----------|---------|--------|
| 04/02/01 MK | Review Correspondence from D. Bailey | .10 hrs | 105 /hr | 10.50 |
| 04/04/01 MK | Telephone Conference with Melanie re: Scheduling Depositions (2) | .20 hrs | 105 /hr | 21.00 |
| 04/04/01 MK | Review Brief Filed on Behalf of Morrison | .20 hrs | 105 /hr | 21.00 |
| 04/04/01 SSR | Review Defendant Morrison's Brief in Support of 12(b) (6) Motion | .30 hrs | 130 /hr | 39.00 |
| 04/04/01 MK | Draft Joint Case Management Plan | 1.20 hrs | 105 /hr | 126.00 |
| 04/09/01 MK | Review Plaintiff's Brief in Opposition to Motion to Dismiss | .30 hrs | 105 /hr | 31.50 |
| 04/11/01 MCG | Telephone Conference with Bev @ Atty Schiffman's ofc (2) re: scheduling of depositions | .40 hrs | 55 /hr | 22.00 |
| 04/16/01 MK | Draft reply brief (0.7); revise joint case management plan (0.2) | .90 hrs | 105 /hr | 94.50 |

Case 1:01-cv-00083-JFM Document 46 Filed 01/21/2003 Page 13 of 49
 Invoice Number 143490-01-007 SSR

| | | | | |
|--------------|---|----------|---------|--------|
| 04/16/01 SSR | Preparation of Joint Case Management Plan | .30 hrs | 130 /hr | 39.00 |
| 04/20/01 SSR | Prepare Reply Brief to Plaintiff's Brief in Opposition to Partial Motion to Dismiss | 2.30 hrs | 130 /hr | 299.00 |
| 04/23/01 SSR | Preparation of Reply Brief to Plaintiff's Brief in Opposition | 2.20 hrs | 130 /hr | 286.00 |
| 04/24/01 MK | Review Reply Brief | .30 hrs | 105 /hr | 31.50 |
| 04/24/01 SSR | Draft Reply Brief | .30 hrs | 130 /hr | 39.00 |
| 04/24/01 MCG | Final preparation of Reply Brief; Draft letter to Court Clerk | .50 hrs | 55 /hr | 27.50 |
| 04/27/01 MK | Review Joint Case Management Plan; Make appropriate changes; Draft Correspondence to Don Bailey re: changes | .60 hrs | 105 /hr | 63.00 |
| 04/30/01 MK | Prepare and attend Case Management Conference with Judge McClure | .70 hrs | 105 /hr | 73.50 |
| 06/01/01 MK | Begin draft Interrogatories | .40 hrs | 105 /hr | 42.00 |
| 06/05/01 MK | Draft discovery requests | 1.30 hrs | 105 /hr | 136.50 |
| 06/06/01 MK | Draft discovery requests | .50 hrs | 105 /hr | 52.50 |
| 06/08/01 MK | Draft discovery requests | .50 hrs | 105 /hr | 52.50 |
| 06/08/01 MCG | Calendar Dates | .80 hrs | 55 /hr | 44.00 |
| 06/12/01 MK | Research potential issues for discovery requests | 1.10 hrs | 105 /hr | 115.50 |
| 06/12/01 SSR | Draft discovery documents | .30 hrs | 130 /hr | 39.00 |
| 06/25/01 SSR | Review Documents | 1.00 hrs | 130 /hr | 130.00 |
| 06/26/01 SSR | Travel | .70 hrs | 95 /hr | 66.50 |
| 06/26/01 SSR | Met with client to prepare for depositions | 2.20 hrs | 130 /hr | 286.00 |

\$ 2,188.50

CONFIDENTIAL ATTORNEY-CLIENT
Invoice Number 143490-C 01-007 SSR

DISBURSEMENTS

| | | |
|----------|---|-----------|
| 04/03/01 | Federal Express from Stock and Leader to US District Court on 3/14/01 | 16.61 |
| 04/17/01 | Telefax Charge | 1.75 |
| 04/27/01 | Telefax Charge | .50 |
| 05/03/01 | Telefax Charge | 2.50 |
| 05/17/01 | Research on West Law | 25.15 |
| 05/17/01 | Federal Express from Stock and Leader to Middle District of PA on 4/24/01 | 10.05 |
| 06/11/01 | Telefax Charge | .50 |
| 06/30/01 | Photocopy expense summary | 63.90 |
| | | \$ ----- |
| | | \$ 122.46 |

MONTH END SUMMARY

| | | | |
|---------------------------------------|-----------|---------|----------|
| Mary C. Galiardi | 1.70 hrs | 55 /hr | 93.50 |
| Melinda Kaufmann | 8.30 hrs | 105 /hr | 871.50 |
| Stephen S. Russell | 9.60 hrs | 127 /hr | 1,223.50 |
| CURRENT SERVICES | 19.60 hrs | \$ | 2,188.50 |
| CURRENT DISBURSEMENTS AND COSTS | | \$ | 122.46 |
| TOTAL CHARGES FOR THIS PERIOD | | \$ | 2,310.96 |
| TOTAL NOW DUE, PLEASE PAY THIS AMOUNT | | \$ | 2,310.96 |

Please return the pink copy with your payment.

STOCK AND LEADER
 A Professional Corporation
 35 SOUTH DUKE STREET PO BOX 5167
 YORK PA 17405-5167
 Direct Dial - Billing 717-849-4117

October 3, 2001

Billed through 09/30/01

Invoice Number 143420-00001-010 SSR

CAPITAL AREA INTERMEDIATE UNIT
 ATTN JEFFREY STONE, ESQUIRE
 55 MILLER STREET, PO BOX 489
 SUMMERDALE, PA 17093-0489

BEAM v.

| | | |
|---|----|----------|
| Bal fwd from previous bill number 007 dated 07/09/01 | \$ | 2,310.96 |
| Payments received since last bill (last payment 08/02/01) | \$ | 2,310.96 |
| ----- | | |
| Net Balance as of month end date | \$ | .00 |

FOR PROFESSIONAL SERVICES RENDERED

| | | | | |
|--------------|---|----------|---------|--------|
| 07/08/01 SSR | preparation for Plaintiff's deposition | 4.50 hrs | 130 /hr | 565.00 |
| 07/09/01 SSR | Travel | 1.60 hrs | 95 /hr | 152.00 |
| 07/09/01 SSR | Plaintiff's Deposition | 5.60 hrs | 130 /hr | 728.00 |
| 07/10/01 SSR | Status Letter to Solicitor | .20 hrs | 130 /hr | 26.00 |
| 07/11/01 SSR | Travel | 1.60 hrs | 95 /hr | 152.00 |
| 07/11/01 SSR | Deposition of Defendants | 6.80 hrs | 130 /hr | 884.00 |
| 07/24/01 MK | Draft case update for Network Adjusters | .50 hrs | 105 /hr | 52.50 |
| 07/24/01 MCG | Correspondence to Network Adjusters re: invoice for transcription services | .40 hrs | 55 /hr | 22.00 |
| 07/26/01 MK | Telephone Conference with Don Bailey's office re: scheduling depositions; Telephone Conference with Marc Bauer re: scheduling depositions | .20 hrs | 105 /hr | 21.00 |
| 07/27/01 MK | Revise update for Network Adjusters | .10 hrs | 105 /hr | 10.50 |

| CAPITAL AREA INTERMEDIATE UNIT Invoice Number 143490-00001-010 SSR | | | | PAGE 2 |
|---|--|----------|----------|----------|
| 08/02/01 | MK Digest depositions | 3.20 hrs | 105 /hr | 336.00 |
| 08/03/01 | MK Digest depositions (1.4 hrs.); Telephone Conference with Scott Downey; depositions schedule and draft correspondence to Don Bailey | 1.60 hrs | 105 /hr | 168.00 |
| 08/06/01 | MK Digest depositions | 1.80 hrs | 105 /hr | 189.00 |
| 08/07/01 | MK Digest depositions | 1.90 hrs | 105 /hr | 199.50 |
| 08/16/01 | MCG Obtain check; Correspondence to Hughs, Albright, etc., re: payment for transcription services | .50 hrs | 55 /hr | 27.50 |
| 08/21/01 | MK Review discovery received from Plaintiff | .50 hrs | 105 /hr | 52.50 |
| 09/10/01 | MK Draft Correspondence to Atty. Bailey re: extension of discovery | .10 hrs | 105 /hr | 10.50 |
| 09/17/01 | SSR Review plaintiff's responses to interrogatories | .40 hrs | 130 /hr | 52.00 |
| 09/19/01 | MK Draft Correspondence to Atty. Bailey re: failure to respond to discovery requests | .10 hrs | 105 /hr | 10.50 |
| 09/25/01 | MK Review documents produced by Beam (0.8 hr.); Telephone Conference with Client re: depositions (0.1 hr.); Draft Correspondence to Atty. Bailey re: deposition schedule (0.2 hr.) | 1.10 hrs | 105 /hr | 115.50 |
| 09/28/01 | MK Telephone Conference with Bev @ Atty. Steve Schiffman's office re: discovery; Review file for requested documents (.2 hr.); Review file in preparation for upcoming depositions (1.1 hr.) | 1.30 hrs | 105 /hr | 136.50 |
| | | | \$ ----- | 3,930.50 |

DISBURSEMENTS

| | | |
|----------|--|--------|
| 08/16/01 | Transcript/Deposition of depositions held on 7/11/01 | 424.80 |
|----------|--|--------|

CAPITAL AREA INTERMEDIATE UNIT
Invoice Number 143490-00001-010 SSR

PAGE 3

| | | |
|----------|---------------------------|-----------|
| 09/26/01 | Telefax Charge | .50 |
| 09/30/01 | Photocopy expense summary | 9.30 |
| | | ----- |
| | | \$ 434.60 |

MONTH END SUMMARY

| | | | |
|---------------------------------------|-----------|---------|----------|
| Mary C. Galiardi | .90 hrs | 55 /hr | 49.50 |
| Melinda Kaufmann | 12.40 hrs | 105 /hr | 1,302.00 |
| Stephen S. Russell | 20.70 hrs | 125 /hr | 2,579.00 |
| CURRENT SERVICES | 34.00 hrs | \$ | 3,930.50 |
| CURRENT DISBURSEMENTS AND COSTS | | \$ | 434.60 |
| TOTAL CHARGES FOR THIS PERIOD | | \$ | 4,365.10 |
| TOTAL NOW DUE, PLEASE PAY THIS AMOUNT | | \$ | 4,365.10 |

STOCK AND LEADER
Attorneys at Law
35 SOUTH DUKE STREET PO BOX 5167
YORK PA 17405-5167
Direct Dial - Billing 717-849-4117

February 5, 2002

Billed through 12/31/01

Invoice Number 143490-00001-018 SSR

CAPITAL AREA INTERMEDIATE UNIT

55 MILLER STREET PO BOX 489
SUMMERDALE, PA 17093-0489

BEAM v.

| | | |
|---|----|----------|
| Bal fwd from previous bill number 010 dated 10/03/01 | \$ | 4,365.10 |
| Payments received since last bill (last payment 11/02/01) | \$ | 4,365.10 |
| ----- | | |
| Net Balance as of month end date | \$ | .00 |

FOR PROFESSIONAL SERVICES RENDERED

| | | | | |
|--------------|---|----------|---------|--------|
| 10/08/01 MK | Review discovery requests and responses from Graybill/Sweger; Telephone Conference with Don Bailey's office re: depositions; Telephone Conference with Marc Bauer re: depositions | .30 hrs | 105 /hr | 31.50 |
| 10/11/01 MK | Telephone Conference with Steve Schiffman and Dan Altland re: depositions | .10 hrs | 105 /hr | 10.50 |
| 10/15/01 SSR | Travel | 1.40 hrs | 95 /hr | 133.00 |
| 10/15/01 SSR | Deposition of defendant Morrison | 5.50 hrs | 130 /hr | 715.00 |
| 11/13/01 MK | Telephone Conference with Scott Downey | .20 hrs | 105 /hr | 21.00 |
| 11/15/01 SSR | Travel | 1.20 hrs | 95 /hr | 114.00 |
| 11/15/01 SSR | Deposition of Defendant Downey | 5.40 hrs | 130 /hr | 702.00 |
| 11/15/01 MK | Telephone Conference with Dan Altland and Marc Bauer re: deposition tomorrow (11/16/01) | .20 hrs | 105 /hr | 21.00 |

CAPITAL AREA INTERMEDIATE UNIT
Invoice Number 143490-00001-018 SSR

PAGE 2

| | | | | |
|--------------|---|----------|---------|----------|
| 11/16/01 MK | Telephone Conference with Glenn Zehner; Draft Correspondence to Don Bailey re: unavailability for depositions | .20 hrs | 105 /hr | 21.00 |
| 11/20/01 MK | Telephone Conference with Steve Schiffman re: deposition schedules and filing of Motion to Stay Discovery | .10 hrs | 105 /hr | 10.50 |
| 11/21/01 MCG | Request checks re depositions | .50 hrs | 65 /hr | 32.50 |
| 11/28/01 SSR | Telephone conference with clients and plaintiff's attorney's office re deposition schedule | .20 hrs | 130 /hr | 26.00 |
| 12/04/01 SSR | Prepare for depositions of executive director and Assistant I.U. Executive Director | 1.90 hrs | 130 /hr | 247.00 |
| 12/07/01 SSR | Conference w/I.U. Executive Director and Assistant Executive Director; Preparation for depositions | 3.50 hrs | 130 /hr | 455.00 |
| 12/10/01 MK | Draft litigation budget | .40 hrs | 105 /hr | 42.00 |
| 12/14/01 SSR | Telephone Conference with IU employee subpoenaed for a deposition | .30 hrs | 130 /hr | 39.00 |
| 12/14/01 MCG | Reconcile/research Hugh, Albright billing issues, re 7/11 and 10/15 depositions; Conference w/SSR; Conference w/MBK | 1.10 hrs | 65 /hr | 71.50 |
| 12/17/01 SSR | Telephone Conference with board member/deponent | .20 hrs | 130 /hr | 26.00 |
| 12/19/01 SSR | Attend Deposition of I.U. Employees | 9.00 hrs | 130 /hr | 1,170.00 |
| | | | ----- | |
| | | | \$ | 3,888.50 |

DISBURSEMENTS

| | | |
|----------|----------------|-----|
| 11/19/01 | Telefax Charge | .50 |
|----------|----------------|-----|

CAPITAL AREA INTERMEDIATE UNIT
 Invoice Number 143490-00001-018 SSR

PAGE 3

| | | |
|----------|---|-----------|
| 11/26/01 | Miscellaneous Expense - Video Depositions of Michael Sweger and David Graybill on 7/11/01 and Roger Morrison | 370.52 |
| 11/26/01 | Miscellaneous Expense - Video Deposition of Roger Morrison held on 10/15/01 | 317.37 |
| 12/31/01 | Photocopy Expense | 3.60 |
| | | \$ 691.99 |

MONTH END SUMMARY

| | | | |
|---------------------------------------|-----------|---------|----------|
| Mary C. Galiardi | 1.60 hrs | 65 /hr | 104.00 |
| Melinda Kaufmann | 1.50 hrs | 105 /hr | 157.50 |
| Stephen S. Russell | 28.60 hrs | 127 /hr | 3,627.00 |
| CURRENT SERVICES | 31.70 hrs | \$ | 3,888.50 |
| CURRENT DISBURSEMENTS AND COSTS | | \$ | 691.99 |
| TOTAL CHARGES FOR THIS PERIOD | | \$ | 4,580.49 |
| TOTAL NOW DUE, PLEASE PAY THIS AMOUNT | | \$ | 4,580.49 |

STOCK AND LEADER
Attorneys at Law
35 SOUTH DUKE STREET PO BOX 5167
YORK PA 17405-5167
Direct Dial - Billing 717-849-4117

April 4, 2002

Billed through 03/31/02

Invoice Number 143490-00001-020 SSR

CAPITAL AREA INTERMEDIATE UNIT

55 MILLER STREET PO BOX 489
SUMMERDALE, PA 17093-0489

BEAM v.

| | | |
|---|----|----------|
| Bal fwd from previous bill number 018 dated 02/05/02 | \$ | 4,580.49 |
| Payments received since last bill (last payment 02/18/02) | \$ | 4,580.49 |
| ----- | | ----- |
| Net Balance as of month end date | \$ | .00 |

FOR PROFESSIONAL SERVICES RENDERED

| | | | | |
|--------------|--|---------|---------|-------|
| 01/04/02 MK | Draft Motion to Stay Proceedings | .50 hrs | 115 /hr | 57.50 |
| 01/07/02 MK | Telephone Conference with Don Bailey re: Motion to Stay; Telephone Conference with Melanie Erb re: Motion to Stay (x2); Telephone Conference with Dan Altland re: Motion to Stay | .50 hrs | 115 /hr | 57.50 |
| 01/14/02 MK | Telephone Conference with Melanie Erb re: deposition and motion to stay summary judgment filing | .10 hrs | 115 /hr | 11.50 |
| 01/15/02 SSR | Telephone Conference with Board President, re: depositions; Correspondence to Plaintiff's counsel | .50 hrs | 130 /hr | 65.00 |
| 01/21/02 SSR | Telephone Conference with witness, re: deposition | .10 hrs | 130 /hr | 13.00 |
| 01/23/02 SSR | Draft case status letter | .20 hrs | 130 /hr | 26.00 |
| 01/30/02 MK | Telephone Conference with Steve Schiffman re: depositions tomorrow | .10 hrs | 115 /hr | 11.50 |

CAPITAL AREA INTERMEDIATE UNIT
 Invoice Number 143490-00001-020 SSR

PAGE 2

| | | | | |
|--------------|--|----------|---------|-------------------|
| 01/31/02 SSR | Travel | 1.50 hrs | 95 /hr | 142.50 |
| 01/31/02 SSR | Deposition of Board President and former contractor | 4.00 hrs | 130 /hr | 520.00 |
| 02/05/02 SSR | Correspondence to Plaintiff's counsel, re: discovery | .20 hrs | 130 /hr | 26.00 |
| 02/11/02 MK | Telephone Conference with Melanie Erb re: Motion for stay of proceedings (.1 hr.); Draft statement of undisputed facts for Motion for summary judgment; Begin draft of Motion for summary judgment (2.0 hrs.) | 2.10 hrs | 115 /hr | 241.50 |
| 02/12/02 MK | Research for summary judgment motion; Draft summary judgment Brief | 5.70 hrs | 115 /hr | 655.50 |
| 02/13/02 MK | Draft summary judgment brief | 3.20 hrs | 115 /hr | 368.00 |
| 02/14/02 SSR | Draft of Brief in Support of Motion for Summary Judgment | 2.00 hrs | 130 /hr | 260.00 |
| 02/18/02 MK | Review documents received from Scott Downey | .40 hrs | 115 /hr | 46.00 |
| 02/21/02 MK | Review Plaintiff's Brief in Opposition to Motion to Stay | .10 hrs | 115 /hr | 11.50 |
| 02/21/02 SSR | Review Plaintiff's response to Motion for Stay | .20 hrs | 130 /hr | 26.00 |
| 02/26/02 MCG | Update calendar, re: deadlines (SSR, MBK and MCG) | .80 hrs | 65 /hr | 52.00 |
| | | | \$ | ----- 2,591.00 |

DISBURSEMENTS

| | | |
|----------|--|--------|
| 01/07/02 | Telefax Charge | 2.00 |
| 01/07/02 | Telefax Charge | 2.00 |
| 01/07/02 | Telefax Charge | 2.00 |
| 01/15/02 | Video Deposition of Scott Downey 11/16/01 | 255.13 |

CAPITAL AREA INTERMEDIATE UNIT
 Invoice Number 143490-00001-020 SSR

PAGE 3

| | | |
|----------|---|-------------|
| 01/16/02 | Telefax Charge | .75 |
| 01/16/02 | Telefax Charge | .75 |
| 01/16/02 | Telefax Charge | .75 |
| 01/21/02 | Transcript/Deposition of Marc A. Bauer, Glenn W. Zehner and Michael Mausner | 644.63 |
| 03/13/02 | Transcript/Deposition of Lawrence Eberly and Arland Wagonhurst | 238.36 |
| 03/31/02 | Photocopy expense summary | 3.00 |
| | | \$ 1,249.37 |

MONTH END SUMMARY

| | | | |
|---------------------------------------|-----------|---------|----------|
| Mary C. Galiardi | .80 hrs | 65 /hr | 52.00 |
| Melinda Kaufmann | 12.70 hrs | 115 /hr | 1,460.50 |
| Stephen S. Russell | 8.70 hrs | 124 /hr | 1,078.50 |
| CURRENT SERVICES | 22.20 hrs | \$ | 2,691.00 |
| CURRENT DISBURSEMENTS AND COSTS | | \$ | 1,249.37 |
| TOTAL CHARGES FOR THIS PERIOD | | \$ | 3,840.37 |
| TOTAL NOW DUE, PLEASE PAY THIS AMOUNT | | \$ | 3,840.37 |

STOCK AND LEADER
Attorneys at Law
35 SOUTH DUKE STREET PO BOX 5167
YORK PA 17405-5167
Direct Dial - Billing 717-849-4117

July 5, 2002

Billed through 06/30/02

Invoice Number 143490-00001-023 SSR

CAPITAL AREA INTERMEDIATE UNIT

55 MILLER STREET PO BOX 489
SUMMERDALE, PA 17093-0489

BEAM v.

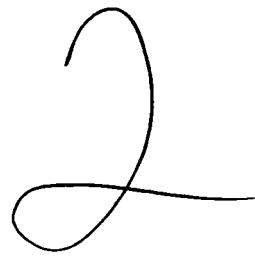
| | | |
|---|----|----------|
| Bal fwd from previous bill number 020 dated 04/04/02 | \$ | 3,840.37 |
| Payments received since last bill (last payment 04/12/02) | \$ | 3,840.37 |
| Net Balance as of month end date | \$ | .00 |

FOR PROFESSIONAL SERVICES RENDERED

| | | | | |
|--------------|--|---------|---------|-------|
| 04/11/02 SSR | Review federal judge's decision and letter to clients. | .50 hrs | 130 /hr | 65.00 |
|--------------|--|---------|---------|-------|

| | | | | |
|-------------|---|---------|---------|-------|
| 04/11/02 MK | Review Court decision on Motion to Dismiss Telephone Conference with Scott Downey | .40 hrs | 115 /hr | 46.00 |
|-------------|---|---------|---------|-------|

\$ 111.00

A handwritten signature, appearing to be "John Doe", is written in black ink in the center of the page.

STOCK AND LEADER
Susquehanna Commerce Center East
6th Floor
221 W. Philadelphia Street
York, Pennsylvania 17404

Phone: (717) 846-9800
Fax: (717) 843-6134

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

VERIFICATION OF TIME RECORDS

Under penalty of perjury and pursuant to 28 U.S.C. § 1746, I, Stephen S. Russell, Esquire, swear that the time records attached to this Motion as Exhibit 1 are true and correct and reflect the time that was spent on this matter.

Respectfully submitted,

STOCK AND LEADER

By: Stephen L. Russell

Stephen S. Russell, Esquire

I.D. No. 17102

Susquehanna Commerce Center East
221 W. Philadelphia Street, 6th Floor
York, PA 17404
(717) 846-9800

STOCK AND LEADER
Susquehanna Commerce Center East
6th Floor
221 W. Philadelphia Street
York, Pennsylvania 17404

Phone: (717) 846-9800
Fax: (717) 843-6134

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**BEVERLY BEAM, :
Plaintiff :
: v. : CIVIL ACTION NO.
: NO.: 1:CV-01-0083
: :
SCOTT DOWNEY, :
ROGER MORRISON, :
DAVID GRAYBILL :
and MICHAEL SWEGER :
Defendants :
:**

VERIFICATION OF TIME RECORDS

Under penalty of perjury and pursuant to 28 U.S.C. § 1746, I, Melinda B. Kaufmann, Esquire, swear that the time records attached to this Motion as Exhibit 1 are true and correct and reflect the time that was spent on this matter.

Respectfully submitted,

By: Melinda B. Kaufmann
Melinda B. Kaufmann, Esquire
I.D. No. 82088
Susquehanna Commerce Center East
221 W. Philadelphia Street, 6th Floor
York, PA 17404
(717) 846-9800

STOCK AND LEADER
Susquehanna Commerce Center East
6th Floor
221 W. Philadelphia Street
York, Pennsylvania 17404

Phone: (717) 846-9800
Fax: (717) 843-6134

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | |
|---------------------------|--------------------------|
| BEVERLY BEAM, | : |
| Plaintiff | : |
| | : |
| v. | : |
| | : |
| | CIVIL ACTION NO. |
| | NO.: 1:CV-01-0083 |
| | : |
| SCOTT DOWNEY, | : |
| ROGER MORRISON, | : |
| DAVID GRAYBILL | : |
| and MICHAEL SWEGER | : |
| Defendants | : |

AFFIDAVIT OF STEPHEN S. RUSSELL, ESQUIRE

1. Under penalty of perjury and pursuant to 28 U.S.C. § 1746 I state as follows:
2. I am Defendant Downey's counsel in the present action.
3. Attached to Defendant's Motion for Attorneys' Fees is an itemization of time and services provided by Defendant's counsel on the present case. The itemization represents all reasonable time spent on the items so indicated. In my opinion, all these items and services were reasonable, proper and necessary to Defendant prevailing in this case. Additional time will be spent litigating the Motion.

4. My hourly rate for this case is \$130.00 per hour. I believe that in this community, an hourly billing rate of \$130.00 per hour is reasonable for lawyers with my experience and ability.

5. In support of this base rate, I state that:

a. I have been admitted to practice of law before the state courts of Pennsylvania since November 1971.

b. I am also admitted to practice before the United States District Court for the Middle District and the Third Circuit Court of Appeals.

6. During my legal career, I have been engaged in the private practice of law in Harrisburg and York Pennsylvania and have handled several civil rights claims in Federal court.

7. I believe that the base hourly rate requested is reasonable based on my experience, litigation career and knowledge of civil rights law and litigation.

Respectfully submitted,

STOCK AND LEADER

By: 

Stephen S. Russell, Esquire

I. D. No. 17102

Susquehanna Commerce Center East

221 W. Philadelphia Street, 6th Floor

York, PA 17404

(717) 846-9800

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

| | | |
|---------------------------|-------------------|--------------------------|
| BEVERLY BEAM, | : | |
| | Plaintiff | : |
| | : | |
| v. | : | CIVIL ACTION NO. |
| | : | NO.: 1:CV-01-0083 |
| | : | |
| SCOTT DOWNEY, | : | |
| ROGER MORRISON, | : | |
| DAVID GRAYBILL | : | |
| and MICHAEL SWEGER | : | |
| | Defendants | : |

AFFIDAVIT OF MELINDA B. KAUFMANN, ESQUIRE

1. Under penalty of perjury and pursuant to 28 U.S.C. § 1746 I state as follows:
2. I am Defendant Downey's counsel in the present action.
3. Attached to Defendant's Motion for Attorneys' Fees is an itemization of time and services provided by Defendant's counsel on the present case. The itemization represents all reasonable time spent on the items so indicated. In my opinion, all these items and services were reasonable, proper and necessary to Defendant prevailing in this case. Additional time will be spent litigating the Motion.
4. My hourly rate for this case is \$115.00 per hour. I believe that in this community, an hourly billing rate of \$115.00 per hour is reasonable for lawyers with my experience and ability.

5. In support of this base rate, I state that:

- a. I have been admitted to practice of law before the state courts of Pennsylvania since October 1998.
- b. I am also admitted to practice before the United States District Court for the Middle District and the Third Circuit Court of Appeals.

6. During my legal career, I have been engaged in the private practice of law in Harrisburg and York Pennsylvania and have handled several civil rights claims in Federal court.

7. I believe that the base hourly rate requested is reasonable based on my experience, litigation career and knowledge of civil rights law and litigation.

Respectfully submitted,

STOCK AND LEADER

By: 
Melinda B. Kaufmann, Esquire
I.D. No. 82088
Susquehanna Commerce Center East
221 W. Philadelphia Street, 6th Floor
York, PA 17404
(717) 846-9800

STOCK AND LEADER
Susquehanna Commerce Center
East Building - 6th Floor
221 W. Philadelphia Street
York, Pennsylvania 17404

Phone: (717) 846-9800
Fax: (717) 843-6134

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**BEVERLY BEAM, :
Plaintiff :
: v. : CIVIL ACTION NO.
: NO.: 1:CV-01-0083
: :
SCOTT DOWNEY, :
ROGER MORRISON, :
DAVID GRAYBILL :
and MICHAEL SWEGER :
Defendants :
:**

BILL OF COSTS

Judgment having been entered in the above titled action on April 10, 2003, against Beverly Beam, the clerk is requested to tax the following costs:

| | |
|---|--------|
| Fees of the clerk | \$ -0- |
| Fees for Service of summons and complaint | \$ -0- |
| Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case | \$ -0- |
| Fees and disbursements for printing (\$.10 x ____ pp.) | \$ -0- |

| | |
|--|---------------|
| Fees for witnesses (itemized on reverse side) | \$ -0- |
| Fees for exemplification and copies of papers necessarily obtained for use in case | \$ -0- |
| Docket fees under 28 U.S.C. § 1923 | \$ -0- |
| Costs incident to taking of depositions | \$2,426.84 |
| Costs as shown on Mandate of Court of Appeals | \$ -0- |
| Other costs (please itemize) | <u>\$ -0-</u> |
| Total | \$2,426.84 |

SPECIAL NOTE: Attached to your bill an itemization and documentation for requested costs in categories. Briefs should also be submitted support the necessity of requested costs and citing cases supporting taxation of those costs.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy hereof was this day mailed with postage fully prepaid thereon to:

SIGNATURE OF ATTORNEY



Stephen S. Russell, Esquire

FOR: SCOTT DOWNEY
Name of Claiming Party

DATE: Jan. 20, 2003

Please take notice that I will appear before the clerk
who will tax said costs on the following day and time:

DATE AND TIME

Costs are hereby taxed in the following amount
and included in the judgment:

AMOUNT TAXED

\$

CLERK OF COURT (BY) DEPUTY CLERK

DATE

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BEVERLY BEAM, :
Plaintiff :
: :
v. : CIVIL ACTION NO.
: NO.: 1:CV-01-0083
: :
SCOTT DOWNEY, :
ROGER MORRISON, :
DAVID GRAYBILL :
and MICHAEL SWEGER :
Defendants :
:

ITEMIZATION OF DEPOSITION COSTS

| | |
|---|-------------------|
| Deposition of Beverly Beam (7/9/01) | \$ 446.55 |
| Depositions of Michael Sweger and David Graybill (7/11/01) | \$ 424.80 |
| Deposition of Roger Morrison (10/15/01) | \$ 317.37 |
| Deposition of Scott Downey (11/16/01) | \$ 355.13 |
| Depositions of Marc A. Bauer, Glenn W. Zehner and Michael Mausner (12/19/01) | \$ 644.63 |
| Depositions of Lawrence Eberly and Arland Wagonhurst (1/31/02) | \$ 238.36 |
| TOTAL COST OF DEPOSITIONS | \$2,426.84 |

*Hughes, Albright, Foltz & Natale
Reporting Service, Inc.*

2080 LINGLESTOWN ROAD, SUITE 103 * HARRISBURG, PA 17110
Harrisburg 717-540-0220 Fax 717-540-0221 Lancaster 717-393-5101

TO: Stephen S. Russell, Esquire IRS NUMBER 23-2345714
Stock and Leader, P.C.
35 South Duke St., PO Box 5167 INVOICE NUMBER: 15250
York, PA 17405-5167
717-846-9800 DATE: July 19, 2001
RE: Beam V Downey, et al. TERMS: NET 30 DAYS
USDC/Middle Dist. of PA No. 1:CV-01-0083 REPORTER: RDE

Please enclose copy with your payment.
Show our invoice number on your check.

Video Deposition of Beverly Beam held July 9, 2001 at
Serratelli, Schiffman, et al., 2080 Linglestown Road,
Harrisburg, PA

Attendance of Reporter - No Charge

| | |
|------------------------------|--------|
| 157 pp of testimony @ \$2.80 | 439.60 |
| 07 pp of exhibits @ \$.25 | 1.75 |
| Postage | 5.20 |
| *** Thank You *** | |

Please pay promptly

| | |
|-------|----------|
| TOTAL | \$446.55 |
|-------|----------|

FILE COPY



J. Ross McGINNIS
 WILLIAM H. NEFF, JR.
 D. REED ANDERSON
 WILLIAM C. GIERASCH, JR.
 W. BRUCE WALLACE
 MICHAEL W. KING
 TIMOTHY P. RUTH
 STEPHEN S. RUSSELL

McCLEAN STOCK
 (1881-1962)

WRITER'S DIRECT DIAL:
 (717) 849-4109

35 SOUTH DUKE STREET
 POST OFFICE BOX 5167
 YORK, PENNSYLVANIA 17405-5167
 PHONE 717-846-9800
 FAX 717-843-6134
 E-MAIL sllaw@sl-law.com

July 24, 2001

JANE H. SCHUSSLER
 ROBERT L. LLOYD, JR.
 STEVEN M. HOVIS
 JODY N. ANDERSON*
 NEIL A. SLENKER
 MELINDA B. KAUFMANN
 DAVID A. JONES, II
 FRANK A. NARDO, JR.
*also admitted in Maryland

OF COUNSEL
 HENRY B. LEADER
 RAYMOND L. HOVIS
 BYRON L. LE CATES
 MARIETTA H. BARBOUR

John Doherty, Senior Examiner
 NETWORK ADJUSTERS, INC.
 306 Walnut Street
 Philadelphia, PA 19106

**RE: Beverly Beam v. Scott Downey, Roger Morrison, David Graybill
 and Michael Sweger
 U.S.D.C. Middle District of PA Civil Action No. 1: CV-01-0083**

Dear John:

In accordance with your guidelines, I am enclosing for payment an invoice totaling \$446.55 from HUGES, ALBRIGHT, FOLTZ & NATALE REPORTING SERVICE, INC. for transcription of depositions in the above matter.

Please feel free to contact me if you have any questions. Thank you for your assistance in this matter.

Very truly yours,

STOCK & LEADER, P.C.

Mary Galiardi
 Legal Assistant to Stephen S. Russell

cc: Dr. Marc A. Bauer, Asst. Executive Director

Hughes, Albright, Foltz & Natale 27
Reporting Service, Inc.

2080 LINGLESTOWN ROAD, SUITE 103 * HARRISBURG, PA 17110
 Harrisburg 717-540-0220 Fax 717-540-0221 Lancaster 717-393-5101

| | | |
|-----|--|-----------------------|
| TO: | Stephen S. Russell, Esquire Stock and Leader, P.C. 35 South Duke St., PO Box 5167 York, PA 17405-5167 717-846-9800 | IRS NUMBER 23-2345714 |
| RE: | Beam V Downey, et al. USDC/Middle Dist. of PA No. 1:CV-01-0083 | INVOICE NUMBER: 15326 |
| | | DATE: July 26, 2001 |
| | | TERMS: NET 30 DAYS |
| | | REPORTER: RDE |

Please enclose copy with your payment.
 Show our invoice number on your check.

Video Depositions of Michael Sweger and David Graybill held
 July 11, 2001 at 2080 Linglestown Road, Ste. 201 Harrisburg, PA

| | |
|---|--------|
| 125 pp of testimony @ \$1.85 [Graybill] | 231.25 |
| 101 pp of testimony @ \$1.85 [Sweger] | 186.85 |
| 11 pp of exhibits @ \$.25 | 2.75 |
| Postage | 3.95 |
| *** Thank you *** | |

Please pay promptly

| | |
|-------|----------|
| TOTAL | \$424.80 |
|-------|----------|

STOCK AND LEADER

55882

H1010 HUGHES ALBRIGHT FOLTZ &

055882

64213 143490-1 8/16/01 424.80 424.80 .00
Ref: Capital Area IU
Transcription services for depositions held on
7/ '01

Mary

Check Total 424.80

SFMS01328-1

REORDER FROM YOUR LOCAL SAFEGUARD DISTRIBUTOR, IF UNKNOWN, CALL 800-523-2422

H180HX0010000 L99SF037490

 Safeguard[®] Litho USA SFSL2 CK7508112L (1990)

Hughes, Albright, Foltz & Natale
Reporting Service, Inc.

2080 LINGLESTOWN ROAD, SUITE 103 * HARRISBURG, PA 17110
Harrisburg 717-540-0220 Fax 717-540-0221 Lancaster 717-393-5101

TO: Stephen S. Russell, Esquire
Stock and Leader, P.C.
35 South Duke St., PO Box 5167
York, PA 17405-5167
717-846-9800 IRS NUMBER 23-2345714
RE: Beam V Downey, et al.
USDC/Middle Dist. of PA
No. 1:CV-01-0083 INVOICE NUMBER: 16104
DATE: October 31, 2001
TERMS: NET 30 DAYS
REPORTER: RDE

**Please enclose copy with your payment.
Show our invoice number on your check.**

Video Deposition of Roger D. Morrison held October 15, 2001 at
the Law Office of Don Bailey, 4311 North 6th Street,
Harrisburg, PA

| | |
|------------------------------|--------|
| 170 pp of testimony @ \$1.85 | 314.50 |
| Postage | 2.87 |
| *** Thank You *** | |

Please pay promptly

TOTAL

\$317.37

STOCK AND LEADER

57466

H1010 HUGHES ALBRIGHT FOLTZ &

057466

65879 143490-1 11/26/01 317.37 317.37 .00
Ref: Capital Area IU
Video Deposition of Roger Morrison held on
10/15/01

Mary

Check Total 317.37

SFMS01328-1

REORDER FROM YOUR LOCAL SAFEGUARD DISTRIBUTOR, IF UNKNOWN, CALL 800-523-2422

H186TD0010000 L99SF037490

 Safeguard LITHO USA SFMS01328-1 (2/01)

*Hughes, Albright, Foltz & Natale
Reporting Service, Inc.*

2080 LINGLESTOWN ROAD, SUITE 103 * HARRISBURG, PA 17110
Harrisburg 717-540-0220 Fax 717-540-0221 Lancaster 717-393-5101

| | | |
|------------|--|-------------------------|
| TO: | Stephen S. Russell, Esquire Stock and Leader, P.C. 35 South Duke St., PO Box 5167 York, PA 17405-5167 717-846-9800 | IRS NUMBER 23-2345714 |
| RE: | Beam V Downey, et al. USDC/Middle Dist. of PA No. 1:CV-01-0083 | INVOICE NUMBER: 16511 |
| | | DATE: December 14, 2001 |
| | | TERMS: NET 30 DAYS |
| | | REPORTER: RDE |

Please enclose copy with your payment.
Show our invoice number on your check.

Video Deposition of Scott Downey held November 16, 2001 at
Serratelli, Schiffman, et al., 2080 Linglestown Road,
Harrisburg, PA

| | |
|------------------------------|--------|
| 181 pp of testimony @ \$1.95 | 352.95 |
| Postage | 2.18 |
| *** Thank You *** | |

Please pay promptly

TOTAL

\$355.13

STOCK AND LEADER

58240

H1010 HUGHES ALBRIGHT FOLTZ &

058240

66780 143490-1 1/15/02 355.13 355.13 .00
Ref: Capital Area IU
Video Deposition of Scott Downey 11-16-01

Mary

Check Total 355.13

SFMS01328-1

REORDER FROM YOUR LOCAL SAFEGUARD DISTRIBUTOR, IF UNKNOWN, CALL 800-523-2422

H186TD0010000 L99SF037490

 Safeguard 1000 USA 5002 00700126 (200)

*Hughes, Albright, Foltz & Natale
Reporting Service, Inc.*

2080 LINGLESTOWN ROAD, SUITE 103 * HARRISBURG, PA 17110
Harrisburg 717-540-0220 Fax 717-540-0221 Lancaster 717-393-5101

TO: Stephen S. Russell, Esquire
Stock and Leader, P.C.
35 South Duke St., PO Box 5167
York, PA 17405-5167
717-846-9800 **IRS NUMBER** 23-2345714
RE: Beam V Downey, et al.
USDC/ Middle Dist. of PA
No. 1:CV-01-0083 **INVOICE NUMBER:** 16693
DATE: January 14, 2002
TERMS: NET 30 DAYS
REPORTER: PS

**Please enclose copy with your payment.
Show our invoice number on your check.**

Depositions of Marc A. Bauer, Glenn W. Zehner, and Michael Mausner held December 19, 2001 at Serratelli, Schiffman, et al., 2080 Linglestown Rd., Harrisburg, PA

| | |
|---------------------------------------|--------|
| 149 pp of testimony @ \$2.28 [Bauer] | 339.72 |
| 67 pp of testimony @ \$2.28 [Zehner] | 152.76 |
| 65 pp of testimony @ \$2.28 [Mausner] | 148.20 |
| Postage | 3.95 |
| *** Thank You *** | |

Please pay promptly

TOTAL

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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BEVERLY BEAM,

Plaintiff

:

:

:

v.

**CIVIL ACTION NO.
NO.: 1:CV-01-0083**

:

**SCOTT DOWNEY,
ROGER MORRISON,
DAVID GRAYBILL
and MICHAEL SWEGER**

Defendants

:

CERTIFICATE OF SERVICE

AND NOW, this 20th day of January, 2003, I, Stephen S. Russell, Esquire, of the law firm of Stock and Leader, attorneys for the Defendant, hereby certify that I served the foregoing DEFENDANT SCOTT DOWNEY'S MOTION FOR ATTORNEYS' FEES AND ASSOCIATED EXPENSES this day by depositing the same in the United States first-class mail, postage prepaid, in York, Pennsylvania, addressed to:

Don Bailey, Esquire
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Harrisburg, PA 17110

Steven J. Schiffman, Esquire
2080 Linglestown Road
Harrisburg, PA 17110

P. Daniel Altland, Esquire
3401 N. Front Street
Harrisburg, PA 17110

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By: Stephen S. Russell

Stephen S. Russell, Esquire

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